

REMARKS

Claims 1-22, 33-53, and 64-67 remain for consideration. Previously withdrawn Claims 23, 25-28, 30-32, 54, 56-59, and 61-63 are cancelled without prejudice or disclaimer, reserving the right to present such cancelled claim(s) in one or more subsequent applications. All remaining claims are thought to be allowable over the cited art.

35 U.S.C. §103

On page 2 of the Office Action, Claims 1-8, 11-25, 27-30, 32-33, 35-56, 58-61, 62-64, and 66-67 are rejected as being made obvious by the teachings of U.S. Patent No. 6,917,594 to Feuerstraeter et al (hereinafter "Feuerstraeter") in view of U.S. Patent Publication No. 2003/0110286 to Antal et al (hereinafter "Antal") under 35 U.S.C. § 103(a). Applicants respectfully traverse the rejection and submit that the rejection of Claims 23-25, 27-30, 32, 54-56, 58-61, and 62-63 is moot in view of the cancellation of Claims 23-25, 27-30, 32, 54-56, 58-61, and 62-63.

Independent Claims 1, 15, 33, 37, 46, and 64 at least set forth that data from two or more portions, e.g., network layer overhead 561 and physical layer overhead 565, of a data packet, e.g., physical layer packet 564, are combined into a single portion, e.g., MAN overhead 568. The single portion contains less data than the two or more portions combined to reduce an amount of data transmitted in the data transmission. (See, for example, paragraphs [0171]-[0173] and FIGs. 21-22 of the instant application).

The Examiner admits on pages 3, 9, 14, and 17-18 of the Office Action that Feuerstraeter fails to teach such limitations. Accordingly, the Examiner combines Feuerstraeter with Antal to remedy the admitted deficiencies of Feuerstraeter.

Antal, however, does not remedy the deficiencies of Feuerstraeter. In particular, Antal teaches that a data packet is first to be segmented and then transmitted with higher priority traffic packets in a multiplexed fashion. (See the third to last sentence in paragraph [0032]). Antal further teaches that the transmission of the segments of the data packet are multiplexed with the higher priority voice packets in accordance with FIG. 2, which denotes that the segmented portions, i.e., segments 1, 2, 3, and 4, are multiplexed with multiple voice bursts of a varying number of voice

packets. (See paragraph [0006] and FIG. 2). Further, Antal teaches that regardless of the segmentation algorithm used, the same amount of data is transmitted, i.e., a 144-byte voice packet every 20 milliseconds and a 1013-byte data packet every 20 milliseconds. (See the last 3 sentences of paragraph [0051]).

Thus, the teachings of Antal differs from Applicants' Claims 1, 15, 33, 37, 46, and 64 in at least two respects. First, Antal does not combine two or more portions of a data packet into a single portion. Rather, Antal teaches that a data packet is first segmented and the segments of the data packet are interspersed in the transmission with the voice traffic. Thus, Antal does not combine portions of data packets, but rather segments them. Second, Antal does not reduce the amount of data being transmitted after segmentation. Instead, Antal segments the data packet and transmits each segment, where the sum of data in each segment represents the same amount of data contained within the data packet prior to segmentation. Thus, Antal does not combine portions of data packets in order to reduce the amount of data being transmitted, which is in contradistinction to Applicants' Claims 1, 15, 33, 37, 46, and 64. Applicants respectfully submit, therefore, that Claims 1, 15, 33, 37, 46, and 64 patentably distinguish over the combination of Feuerstraeter and Antal and are in condition for allowance.

Dependent Claims 7-8, 11-14, 16-22, 35-36, 38-45, 47-53 and 66-67, which are dependent from independent Claims 1, 15, 33, 37, 46, and 64, respectively, are also rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Feuerstraeter and Antal. While Applicants do not acquiesce to any particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent Claims 1, 15, 33, 37, 46, and 64. These dependent claims include all of the limitations of the base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 7-8, 11-14, 16-22, 35-36, 38-45, 47-53 and 66-67 are also allowable over the combination of Feuerstraeter and Antal.

On page 19 of the Office Action, Claim 37 is rejected as being made obvious by the teachings of U.S. Patent No. 6,266,701 to Sridhar et al (hereinafter "Sridhar") in view of Tong under 35 U.S.C. § 103(a). Applicants respectfully traverse the rejection.

Applicants note that while the rejection on page 19 of the Office Action rejects Claim 37 in view of the combination of Sridhar and Tong, the body of the rejection combines the teachings of Sridhar with Antal to support the rejection. Thus, Applicants' remarks are provided as if Claim 37 were rejected under 35 U.S.C. § 103(a) in view of the combination of Sridhar and Antal, since Applicants believe that was the intent of the Examiner.

It is further noted, that on page 21 of the Office Action, the Examiner provides support for the motivation to combine Antal with Feuerstraeter in support of the rejection cited on page 19 of the Office Action. Feuerstraeter, however, is not cited in the rejection of page 19 of the Office Action. Applicants are, therefore, ignoring the Examiner's arguments to combine Feuerstraeter with Antal because arguments in relation to Feuerstraeter are clearly misplaced within a rejection that is based upon the combination of Antal with Sridhar.

As discussed above, Applicants' Claim 37 at least sets forth that two or more portions of a data packet are combined into a single portion. The single portion containing less data than the two or more portions combined to reduce an amount of data transmitted in the data transmission.

On page 20 of the Office Action, however, the Examiner admits that Sridhar fails to teach such limitations. Accordingly, the Examiner combines Sridhar with Antal to remedy the admitted deficiencies of Sridhar. As discussed above, however, Antal fails to remedy the deficiencies of Sridhar at least because Antal segments, rather than combines, portions of data packets. Furthermore, Antal does not combine portions of data packets in order to reduce the amount of data being transmitted. Instead, Antal segments the data packet and transmits each segment, where the sum of data in each segment represents the same amount of data contained within the data packet prior to segmentation. Applicants respectfully submit, therefore, that Claim 37 patentably distinguishes over the combination of Antal and Sridhar and is in condition for allowance.

On page 21 of the Office Action, Claims 9-10 are rejected as being made obvious by the teachings of Feuerstraeter in view of the article entitled, Computer Networks, by Tanenbaum (hereinafter the "Article") under 35 U.S.C. § 103(a). On page 22 of the Office Action, Claims 34 and 65 are rejected as being made obvious by the teachings of Feuerstraeter in view of U.S. Patent No. 6,618,360 to Scoville et al (hereinafter "Scoville") under 35 U.S.C. § 103(a). Applicants respectfully traverse the rejections.

As discussed above, the Examiner admits that Feuerstraeter fails to teach that two or more portions of a data packet are combined into a single portion to reduce an amount of data transmitted in the data transmission as is substantially recited in Applicants' Claims 1, 33, and 64. The Examiner, however, fails to show how the Article and Scoville remedy such deficiencies. Since rejected Claims 9-10, 34, and 65 are dependent from independent Claims 1, 33, and 64, dependent Claims 9-10, 34, and 65 patentably distinguish over the combination of Feuerstraeter with the Article and Scoville for at least the same reasons discussed above in relation to independent Claims 1, 33, and 64. These dependent claims include all of the limitations of the base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 9-10, 34, and 65 are also allowable over the combination of Feuerstraeter with the Article and/or Scoville.

CONCLUSION

Reconsideration and a notice of allowance are respectfully requested in view of the remarks presented above. If the Examiner has any questions or concerns, a telephone call to the undersigned is invited.

Respectfully submitted,



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I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent & Trademark Office on September 10, 2008.



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